

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BAHGAT GERGES

Plaintiff,

v.

**UNITED FINANCIAL CASUALTY
COMPANY**

Defendant.

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Case No. _____

JURY DEMANDED

DEFENDANT UNITED FINANCIAL CASUALTY COMPANY'S
NOTICE OF AND PETITION FOR REMOVAL

TO THE COURT:

Defendant, **UNITED FINANCIAL CASUALTY COMPANY**, files this Notice of and Petition for Removal of an action pending in the 215th Judicial District Court, Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division pursuant to 28 U.S.C. §§ 1441 and 1446. In support, Defendant shows the Court as follows:

State Court Case

1. On June 15, 2017, Plaintiff filed his Original Petition in the 215th Judicial District Court in Cause No. 2017-39920, styled *Bahgat Gerges v. United Financial Casualty Company* (Exhibit "A."). In Plaintiff's Original Petition, Plaintiff seeks recovery against United Financial Casualty Company based on contractual uninsured motorist benefits purportedly owed under an insurance policy.

2. United Financial Casualty Company was served with process on June 23, 2017 and timely filed its answer in State Court on July 14, 2017. This was the first notice of the lawsuit. Accordingly, this Notice of Removal of the state court action is filed within 30 days of receipt of the first notice of the state court lawsuit.

3. This lawsuit arises from an auto accident that occurred on November 5, 2016 and involved Bahgat Gerges and an Unknown driver. Bahgat Gerges alleges injuries as a result of this accident. Plaintiff is seeking monetary relief over \$200,000.00 but less than \$1,000,000.00.

Statement of Facts Supporting Removal Based on Diversity

4. The underlying state court lawsuit made the basis of this Notice of and Petition for Removal is a civil action over which this Court has jurisdiction under the provisions of 28 U.S.C. § 1332, and is one that may be removed to this Court by United Financial Casualty Company under the provisions of 28 U.S.C. § 1441.

5. As set forth in Plaintiff's Original Petition Plaintiff is an individual who resides in Missouri City, Texas; and Defendant United Financial Casualty Company is a corporation organized and existing under the laws of the State of Ohio and having its principal place of business in Cleveland, Ohio. (Exhibits "A" and "B")

6. There is complete diversity of the parties on the face of Plaintiff's Original Petition.

7. The amount in controversy exceeds \$75,000, excluding interest, costs, and attorney's fees. 28 U.S.C. § 1332(a). In this lawsuit, Plaintiff has pled the monetary relief in excess of \$75,000.

8. All pleadings, process, orders, and other filings in the state court action are attached to this Notice as required by 28 U.S.C. § 1446(a). The only filings in the state court action are Plaintiff's Original Petition and Defendant United Financial Casualty Company's Original Answer filed in state court, certified copies of which are attached to this Notice of and Petition for Removal collectively as Exhibits, "A" and "B."

9. Venue is proper in the Southern District of Texas, Houston Division because the state court in which Plaintiff filed his Original Petition is located in Harris County, Texas.

10. Defendant will promptly file a copy of this Notice of Removal being filed on behalf of United Financial Casualty Company with the state court. A copy of the Notice of Filing of Notice of Removal that is being filed on behalf of the Defendant in the state court action is attached to this Notice of and Petition for Removal as Exhibit "C."

Notice of Removal from State Court

11. As noted above, Defendant is filing a Notice of Filing with a copy of the removal notice and attachments pursuant to 28 U.S.C. § 1446(d).

Jury Demand

12. Defendant requests a jury trial in the removed action.

Prayer

13. Defendant, United Financial Casualty Company, prays this Court recognizes the effect of the Notice of and Petition for Removal, and that the Clerk of the Court take the necessary steps to effectuate this removal to Federal Court. Defendant further prays for all other relief, general or special, at law or in equity, to which it may be entitled.

Respectfully submitted,


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ATTORNEY FOR DEFENDANT

UNITED FINANCIAL CASUALTY COMPANY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of July, 2017, a copy of ***Defendant's Notice of and Petition for Removal*** was sent to all known counsel of record, in accordance with the Texas Rules of Civil procedure, as follows:

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